IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No. 12279-CAT of 2005

Date of Decision : 11.9.2006

Kirpal Singh ... Petitioner

Versus

Central Administrative Tribunal & others. ..Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

Present : Mr. Rajesh Garg, Advocate,
for the petitioner.

Mr. Deepak Thapar, Advocate,
for respondent Nos. 2 to 4.

J.S.Khehar, J.(Oral)

The petitioner earlier approached this Court by filing Civil Writ Petition No. 19034 of 2003. This Court vide order dated 21.3.2005 allowed the aforesaid petition and remanded the matter to the appellate authority to decide the statutory appeal preferred by the petitioner on 3.10.2001 (Annexure P/8). The appellate authority consequent upon the order passed by this Court on 21.3.2005, decided the aforesaid appeal through an order dated 11.7.2005 (Annexure P/14). The petitioner has impugned the order dated 11.7.2005 (Annexure P/14), vide which the appeal preferred by the petitioner has been rejected.

The petitioner has advanced two contentions so as to challenge the validity of the impugned order dated 11.7.2005. Firstly, that the petitioner was not afforded an opportunity of hearing before the appellate authority, decided the appeal preferred by the petitioner through the impugned order dated 11.7.2005. Secondly, that the pleas raised by the

petitioner in the appeal preferred by him on 3.10.2001 (Annexure P/8) were not dealt with by the appellate authority while disposing of the appeal.

Learned counsel for the respondents acknowledges that an opportunity of hearing was not afforded to the petitioner while disposing of the appeal. He also acknowledges that all the issues raised by the petitioner in his appeal were not adjudicated upon by the appellate authority. In a sense, learned counsel for the respondents acknowledges a varsity of both the submissions advanced by the learned counsel for the petitioner.

In view of the above, the instant petition is allowed. The impugned order dated 11.7.2005 (Annexure P/14) is set aside. Liberty is granted to the appellate authority to pass a fresh order in accordance with law, after affording an opportunity of hearing to the petitioner. The appellate authority shall pass a well reasoned speaking order, by taking into consideration all the pleas raised by the petitioner, as expeditiously as possible.

Disposed of accordingly.

Order dasti on payment of usual charges.

(J.S. Khehar)
Judge

September 11, 2006
vkd

(S.D. Anand)
Judge